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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all similarly
situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 4:20-cv-03664-YGR-SVK

**DECLARATION OF RYAN MCGEE IN
SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF MOTION FOR CLASS
CERTIFICATION**

Judge: Hon. Yvonne Gonzalez Rogers
Date: September 20, 2022
Time: 2:00 p.m.
Location: Courtroom 1 – 4th Floor

DECLARATION OF RYAN MCGEE

I, Ryan McGee, declare as follows.

1. I am an associate with the law firm of Morgan and Morgan, counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of Florida and admitted *pro hac vice* for this case. Dkt. 19. I have personal knowledge of the matters set forth herein and am competent to testify.

2. Pursuant to Civil Local Rule 79-5, I submit this Declaration in support of Plaintiffs' administrative motion to seal portions of their motion for class certification. In making this request, Plaintiffs have carefully considered the relevant legal standard and policy considerations outlined in Civil Local Rule 79-5.

3. Plaintiffs respectfully request that the Court seal:

- a. Portions of paragraphs 88-90, 116, 174-78, 224-25, 234, 236, 243, and 246-47 of the April 15, 2022 Expert Report of Jonathan Hochman ("Hochman Report") that contain personal information of Plaintiffs, including identifiers and details of their browsing activity;
- b. Portions of paragraphs 11-13, 18-23, and the entirety of pages 17 through 36 of Hochman Report Appendix B that contain personal information of Plaintiffs, including identifiers and details of their browsing activity;
- c. Portions of paragraphs 7-8, 24, and 26 of Hochman Report Appendix G that contain personal information of Plaintiffs, including identifiers and details of their browsing activity;
- d. Portions of the Table of Contents and portions of paragraphs 1-41 of Hochman Report Appendix H that contain personal information of Plaintiffs, including identifiers and details of their browsing activity;
- e. The entirety of Appendix I and Exhibits B, C, D, E, and F of the Hochman Report that contain personal information of Plaintiffs, including identifiers and details of their browsing activity;

- 1 f. Portions of paragraphs 22-23, 30, 38-47, and 67-69 of the June 7, 2022 Rebuttal
2 and Supplemental Expert Report of Jonathan Hochman (“Hochman Rebuttal”)
3 that contain personal information of Plaintiffs, including identifiers and details
4 of their browsing activity; and
- 5 g. The entirety of Exhibits A-B, and Appendices A, B, C, D, E, F, G, H, I, and J
6 of the Hochman Rebuttal that contain personal information of Plaintiffs,
7 including identifiers and details of their browsing activity.

8 4. The information requested to be sealed is being designated by Plaintiffs as
9 “Confidential” pursuant to the parties’ Stipulated Protective Order (Dkt. 81).

10 5. Specifically, the portions Plaintiffs seek to seal associate Plaintiffs (or their experts)
11 with various identifiers and information related to their browsing activity. One example includes
12 paragraph 234 of Jonathan Hochman’s Expert Report (¶ 3(a) above), where a document produced
13 by Google (GOOG-BRWN-00819830) lists a Plaintiff’s Google Account ID, name, email address,
14 IP address, and user agent string.

15 6. In another example, Plaintiffs seek to seal spreadsheets containing records
16 produced from Google’s logs and summaries thereof—where Mr. Hochman (Plaintiffs’ expert)
17 lists Plaintiffs’ names alongside their respective browsing history and identifiers. *See, e.g.*,
18 Hochman Report App. I (Google also designated the underlying data it produced as “Highly
19 Confidential” under the Protective Order).

20 7. Since these requests are narrowly tailored, they should not interfere with the
21 public’s ability to understand the judicial process and the matters at issue in this case.

22 8. A similar request to seal was granted in the related case of *Calhoun v. Google LLC*,
23 No. 4:20-cv-05146-YGR-SVK (N.D. Cal.), Dkt. 198 (sealing *Calhoun* plaintiffs’ web browsing
24 history and information).

25 9. If the Court were to deny sealing this information, Plaintiffs could be subjected to
26 a heightened risk of injury, including identity theft. I was personally involved at all stages of the
27 litigation in *Adkins v. Facebook, Inc.*, No. 3:18-cv-05982-WHA (N.D. Cal.) including expert
28 discovery and related motions practice. I personally presented plaintiffs’ tutorial before Judge

1 Alsup with two cybersecurity experts (one of whom served as plaintiffs' testifying expert) to
2 discuss data breaches and exploitation of personal information. No. 3:18-cv-05982-WHA, Dkts.
3 20, 65.

4 10. I also personally defended the expert deposition of the testifying cybersecurity
5 expert, and I personally argued the *Daubert* motions that Facebook filed against our experts. The
6 information Plaintiffs seek to seal here is of substantially the same type of information that can be
7 used to gain unauthorized access to personal accounts.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct. Executed this 20th day of June, 2022, at Tampa, Florida.

10 /s/ Ryan McGee
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